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Chairman Reyes Statement on FISA Amendments Act of 2008

Washington, DC - House Permanent Select Committee on Intelligence Chairman Silvestre Reyes (D-TX) spoke on the floor of the U.S. House of Representatives today regarding H.R. 6304, the FISA Amendments Act of 2008. Below are his remarks as prepared for delivery:

“I rise as the sponsor of HR 6304, the FISA Amendments Act of 2008.

“This bill represents the culmination of more than a year’s work by the Members and staff of the House Intelligence Committee – together with our colleagues on the Judiciary Committee – to bring to this floor a bill that modernizes our surveillance authorities while protecting the constitutional rights of Americans.

“This bill is a far better deal than the Protect America Act. And it is far better than the Senate bill that passed earlier this year.

“Intelligence is the first line of defense in our nation’s efforts to prevent terrorism and to stop the proliferation of weapons of mass destruction. This legislation strengthens the ability of our intelligence agencies to conduct lawful surveillance of foreign targets.

“But this legislation also serves another vital function. It strengthens the constitutional rights of Americans, protects them from unlawful surveillance, and stops this President – or any President – from invoking executive power to conduct warrantless surveillance of Americans.

“This bill does more than just retain the original FISA requirements for an individual warrant based upon probable cause for surveillance targeting Americans here in the United States. For the first time ever, this bill requires, in statute, warrants for Americans anywhere in the world.

“It also requires the government to establish clear guidelines to ensure that no American is the target of any surveillance without a warrant.

“It clarifies that FISA and Title 18 of the U.S. code are the “exclusive means” by which the government may conduct domestic surveillance. It will prohibit any unlawful warrantless wiretapping, the kind we saw under this Administration.

“It provides accountability by requiring the Inspectors General of various agencies to compile a comprehensive report on the President’s surveillance program, and that review must be given to Congress.

“It requires prior court approval of the procedures used to conduct surveillance of foreign targets, except in an emergency – which is similar to the current FISA law.

“This legislation also addresses the issue of lawsuits against telecommunications companies that comply with directives from the government.

“This bill does not grant immunity to any government official who might have violated the law. And this bill does not grant automatic immunity to the telecom companies, as the Senate bill would have.

“Under this legislation, a federal district court will review the evidence, submitted by the Attorney General, and the court will decide whether to grant civil liability protection to a company that provided post 9/11 assistance to the government. In this bill, Congress does not grant immunity. Congress isn’t deciding the question of immunity. The District Court will.

“Finally, this bill will sunset in four-and-a-half years, ensuring that the next Administration will be in a position to assess and review the effectiveness of this legislation.

“This legislation represents a bipartisan compromise, and as such, both sides got less than they wanted. But it is a product of a good faith effort by both Republicans and Democrats to give our intelligence agencies the tools necessary to keep America safe, while protecting our Constitution and our civil liberties.”